

Structuring a TDR Program For Land Preservation

Martin Landers, AICP Plan Tools, LLC

Presentation Outline

- ***Planning Framework***
- ***Defining Terms***
- ***Identifying Sending & Receiving Areas***
- ***Criteria for Sending & Receiving Sites***
- ***Procedures for Applicants***
- ***Documenting the Program***

Program Definitions

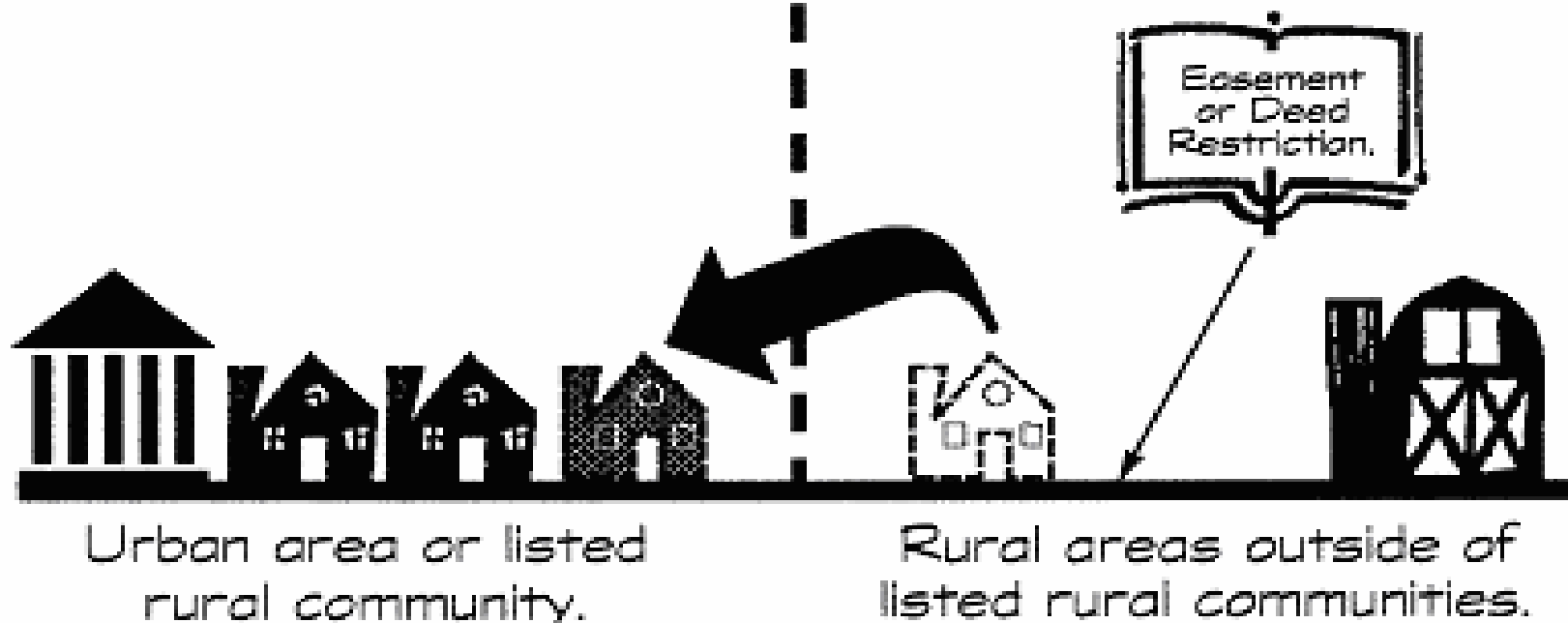
- *Base Density*
- *Bonus Density*
- *Sending Area & Site*
- *Receiving Area & Site*
- *Transferable Development Right*
- *Transfer Ratio*

RECEIVING AREA

*Ability to increase
density over the base
density.*

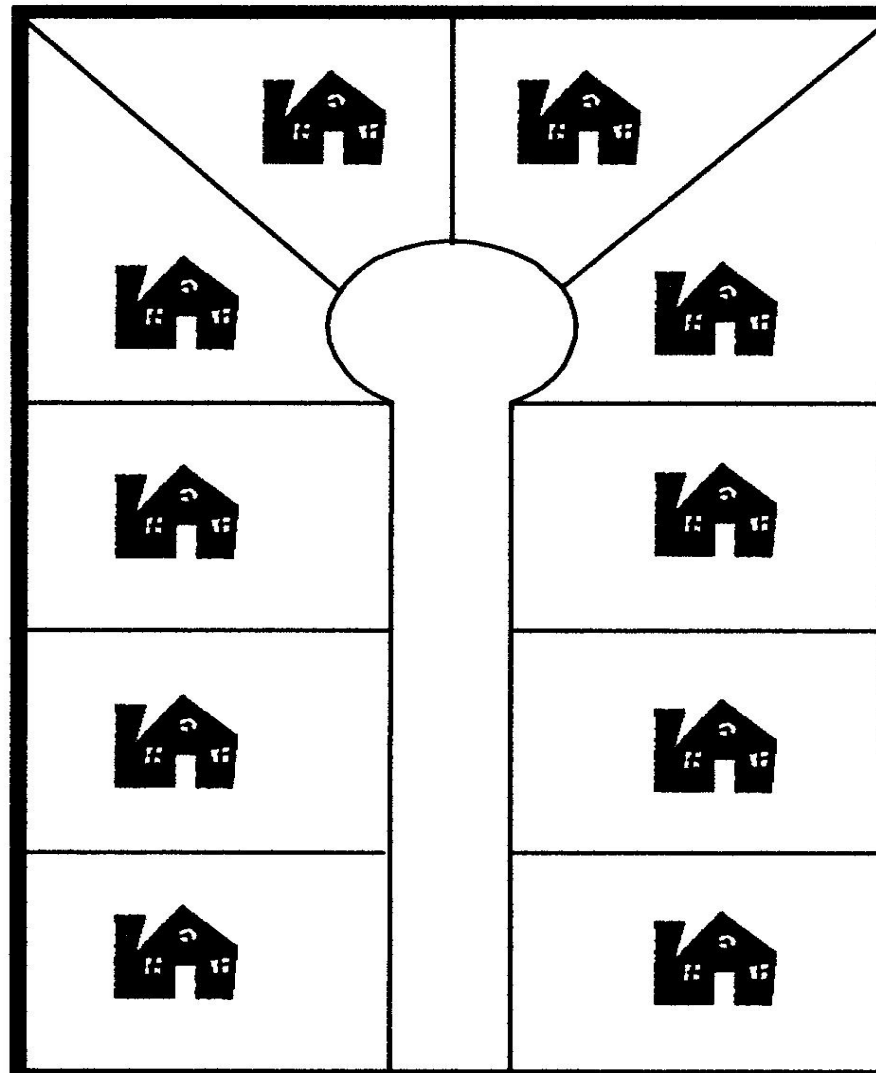
SENDING AREA

*Ability to build
one dwelling unit*



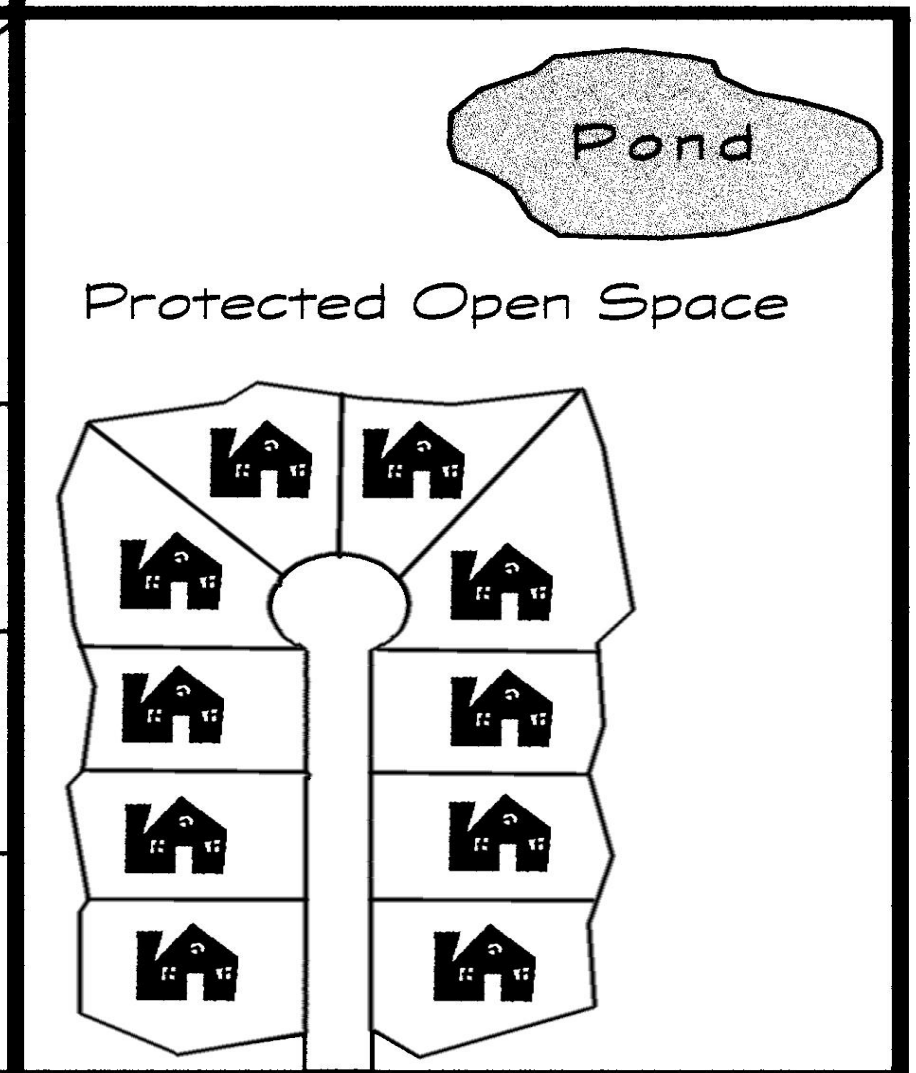
Transferable Development Rights/Credits

Standard Development



Street ROW

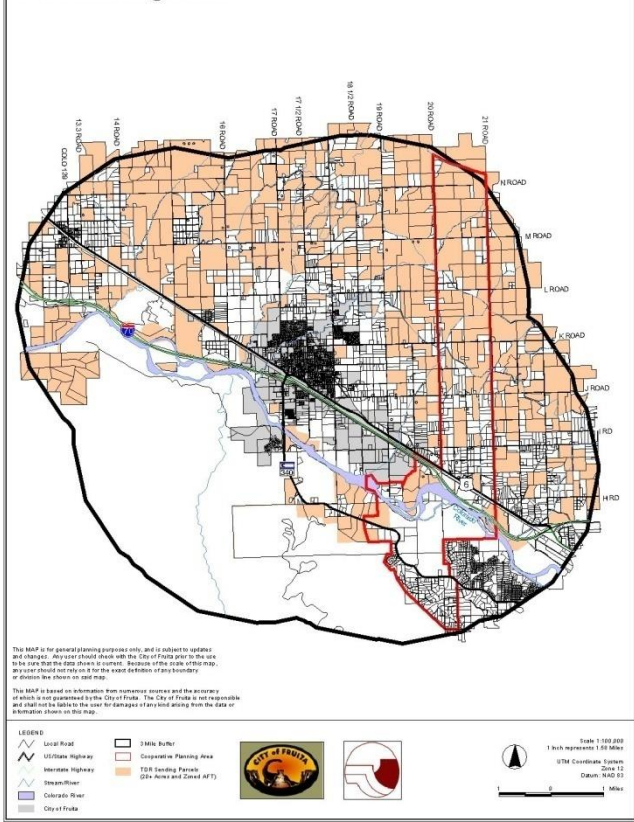
Cluster Development



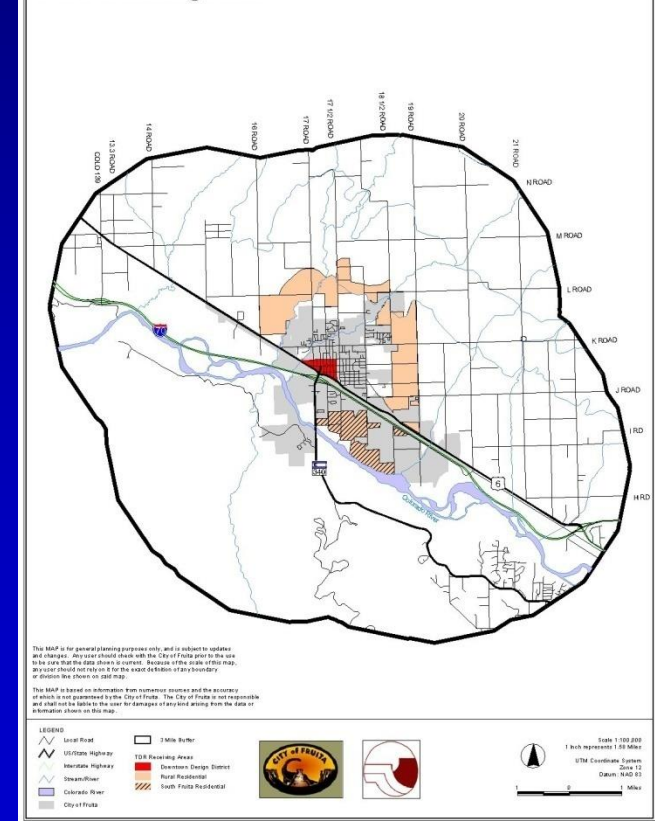
Cluster Development

Identifying Sending & Receiving Areas

TDR Sending Areas



TDR Receiving Areas



Criteria for Sending Sites

- 1. Eligibility*
- 2. Minimum Lot Size*
- 3. Calculation of Development Rights*
- 4. Deed Restriction*
- 5. Rezoning of Protected Property*
- 6. Cluster Development*
- 7. Waiver*
- 8. Determination of Transfer Ratio*

Criteria for Receiving Sites

- 1. Eligibility*
- 2. Rezoning to Higher Density*
- 3. Determination of Bonus Density*
- 4. Development Plan*
- 5. Waiver*

Procedures for Applicants

- ***Procedures for Landowners of Sending Sites***
- ***Procedures for Developers of Receiving Sites***

Documenting the Program

- *Master Plans*
- *Intergovernmental Agreements*
- *Development Code Amendments*
- *TDR Manual*
- *TDR Certificates*
- *Deed Restrictions*

Conservation Easements

Five Basic Components:

- 1) Preamble describing purposes***
- 2) Administrative provisions***
- 3) Affirmative rights of the easement holder***
- 4) Extinguished rights or prohibited uses***
- 5) Reserved uses and rights***

Conservation Easements

Reserved Right or Extinguished Right?

- ***All current uses of the property***
- ***Ranching, farming & agricultural activities***
- ***Maintaining structures, ditches, wells, etc.***
- ***Horseback riding & ATV use***
- ***Hunting, trapping & predator control***
- ***Timber harvesting & forest management***

Conservation Easements

Reserved Right or Extinguished Right?

- ***Selling, leasing or transferring property***
- ***Subdividing property***
- ***Additional dwelling units***
- ***Home occupations***
- ***Cell towers, WECS***

Additional Resources

- Transferable Development Rights Programs; Roddewig & Inghram; 1987
- What Makes TDR's Work? Success Factors from Research and Practice; Pruetz and Standbridge; 2009

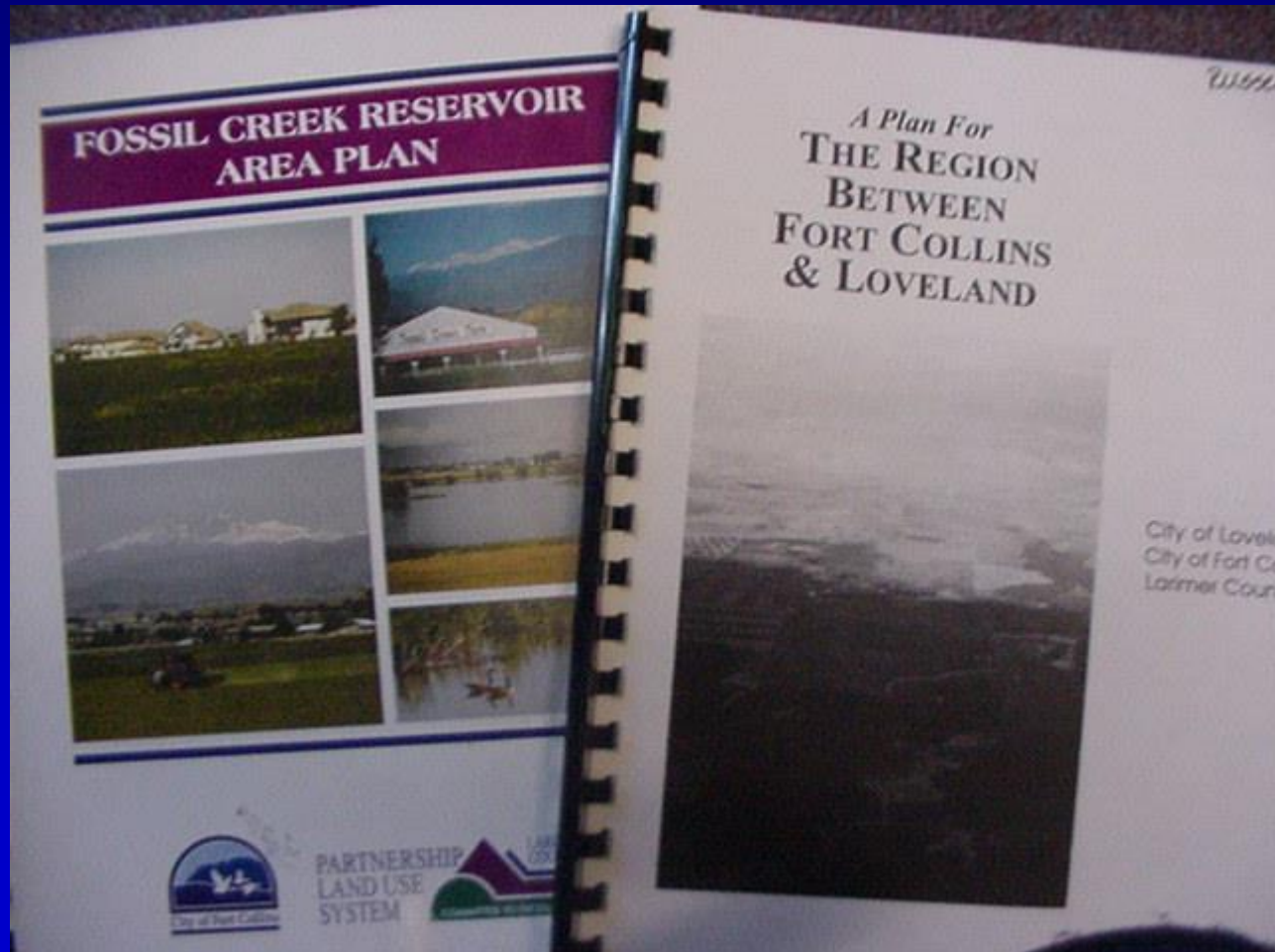
TDR'S in Colorado: Selected Case Histories

Martin Landers, AICP Plan Tools, LLC

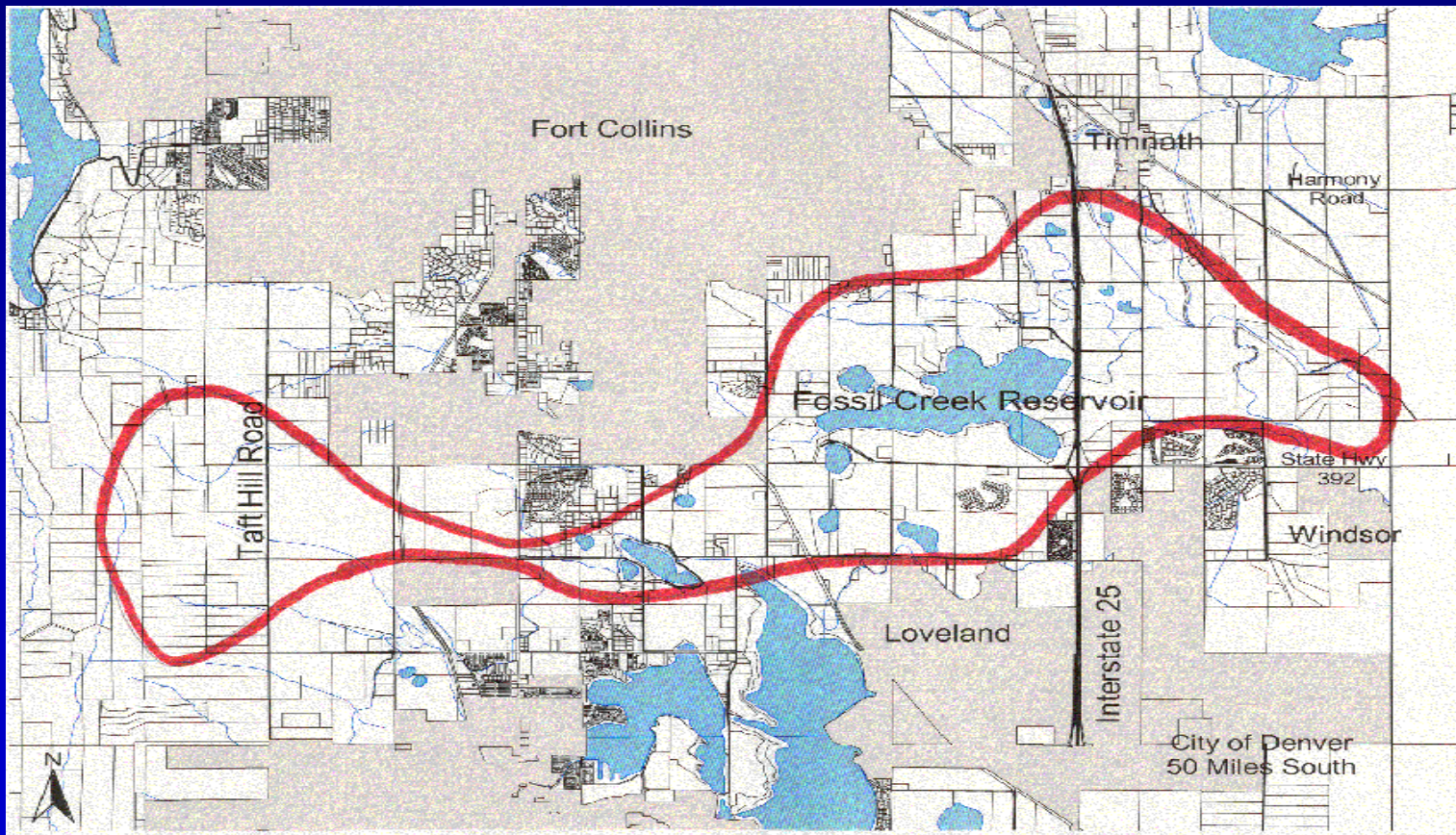
Fossil Creek Reservoir TDU Program Larimer County/Fort Collins



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The Coloradoan, Saturday, May 26, 2001, www.coloradoan.com

Growth-control tool effective

By MARY BENANTI
MaryBenanti@coloradoan.com

The idea of transferring development rights, or units, can work, said one local official involved in the process.

But even if state lawmakers agree on the concept, it's not going to be there. But the cost of production is up, and the crops is down. I don't want to far

"It's very effective in high-growth pressure times," Reidhead said. It also requires collaboration between the city and county. The complex...

A6, OPINION, The Coloradoan, Wednesday, January 27, 1999

FORT COLLINS COLORADOAN

Opinion

Coloradoan editorial board:
Dorothy M. Bland, president and publisher
David Greiling, executive editor
Kathleen Duff, editorial page editor, editorial board chair
Mike Hall, production director
Community members: Richard Life, retired U.S. Naval officer; Lois terMeer, citizen activist.

Our views

County must lead on talks beyond TDUs

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Jan. 24, 1999

ending TDU program

To that end, the commissioners are planning a work session Monday with Lynn Cameron, the county open lands manager; Steve Ryder, the TDU administrator; Planning Director Larry Timm; and County Attorney George Hass.

"This is going to be: How do we get beyond Fossil Creek?" said Cheryl Olson, chairwoman of the Board of County Commissioners.

"Also, we need to integrate it as part of PLUS (the County Partnership Land Use System), the county's master plan. We need some discussion to figure out how we're going to be able to do it."

Olson said it's important to move forward with the TDU program because it's one of the parts of the county land, Berthoud Park — already an intense issue.

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Opinion

Coloradoan editorial board:
Dorothy M. Bland, president and publisher
David Greiling, executive editor
Kathleen Duff, editorial page editor, editorial board chair
Robert Romine, technology director
Community members: Bill Miller, Fort Collins resident; MaryAnne Martell, Larimer County resident and director of Crossroads Safehouse

Our views

TDU process too precious to risk

■ City, county officials right to reassure public that TDU process will be given test at Fossil Creek Reservoir site

Cooperation and communication are always important when the city and county are working together on a plan. But ensuring that the Fossil Creek Reservoir Area plan works is critical to ensuring that the concept of transferable development units survives.

City and county officials failed to include a modification process in an earlier Intergovernmental Agreement over how the area should be developed. Now, they are butting heads — albeit slightly — over who has the final say regarding development standards.

Both city and county officials are on the right page by assuring the public that a resolution will be found.

That's good, because the future of how transferable development units are used in Larimer

Upper Blue Basin TDR Program Summit County/Breckenridge



Upper Blue Basin TDR Program Summit County/Breckenridge



Upper Blue Basin TDR Program Summit County/Breckenridge



Upper Blue Basin TDR Program Summit County/Breckenridge



Upper Blue Basin TDR Program Summit County/Breckenridge

Transfer of Development Rights Certificate



**ISSUED PURSUANT TO SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS' RESOLUTION 2000-86
CREATING AN UPPER BLUE BASIN TRANSFER OF DEVELOPMENT RIGHTS PROGRAM UNDER THE SUMMIT
COUNTY LAND USE CODE SECTION 3202.03C AND PURSUANT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE COUNTY OF SUMMIT AND THE TOWN OF BRECKENRIDGE CONCERNING TRANSFERRED
DEVELOPMENT RIGHTS AUGUST 14, 2000**

Upon execution and recordation of this certificate, _____ development rights are hereby conveyed to the purchaser and, in accordance with the Upper Blue Basin Transfer of Development Rights (TDR) Regulations, are available for use on a TDR receiving site in the Upper Blue Basin, Summit County Colorado. This certificate is non-transferable without the approved consent of the Board of County Commissioners. The purchaser may sell the development rights represented by this certificate to another private individual, provided that as part of that sale transaction, a new TDR certificate is issued by Summit County.

Issued to _____ Date issued _____

Purchaser's Signature

Summit County Planning Director

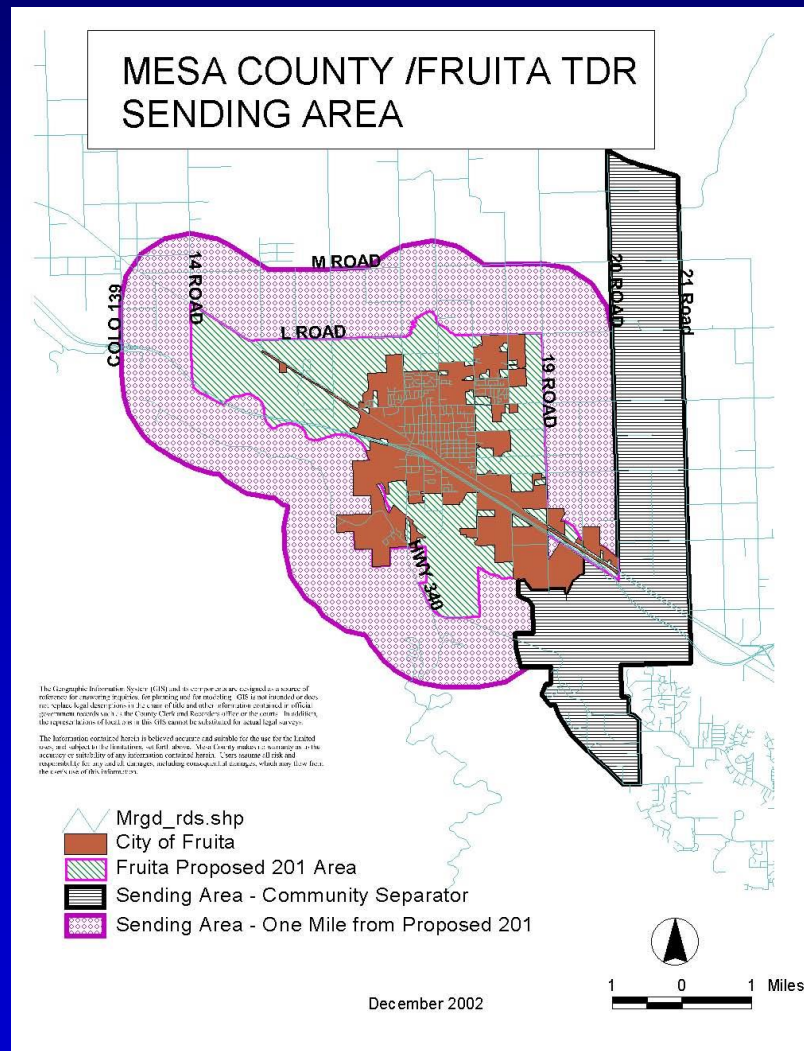
Town of Breckenridge Comm. Dev. Director

Chair, Board of County Commissioners

TDR Certificate No. _____

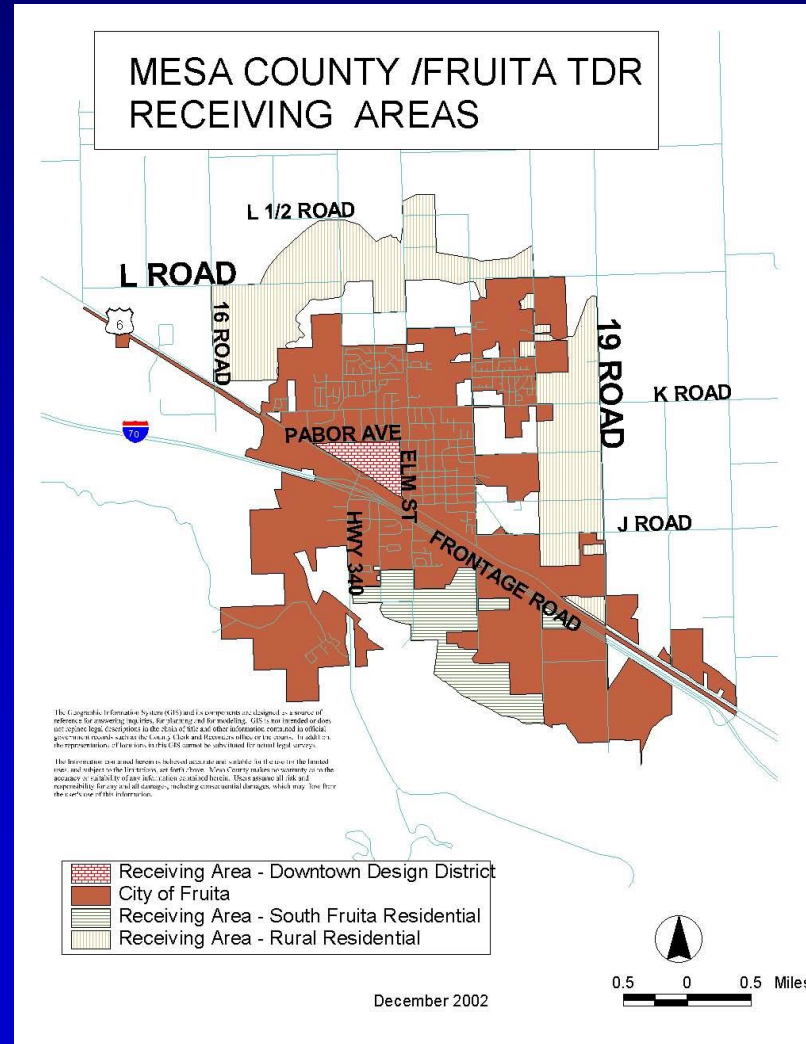
Upper Blue Basin TDR Program Summit County/Breckenridge





TDR/C Program

Mesa County/City of Fruita

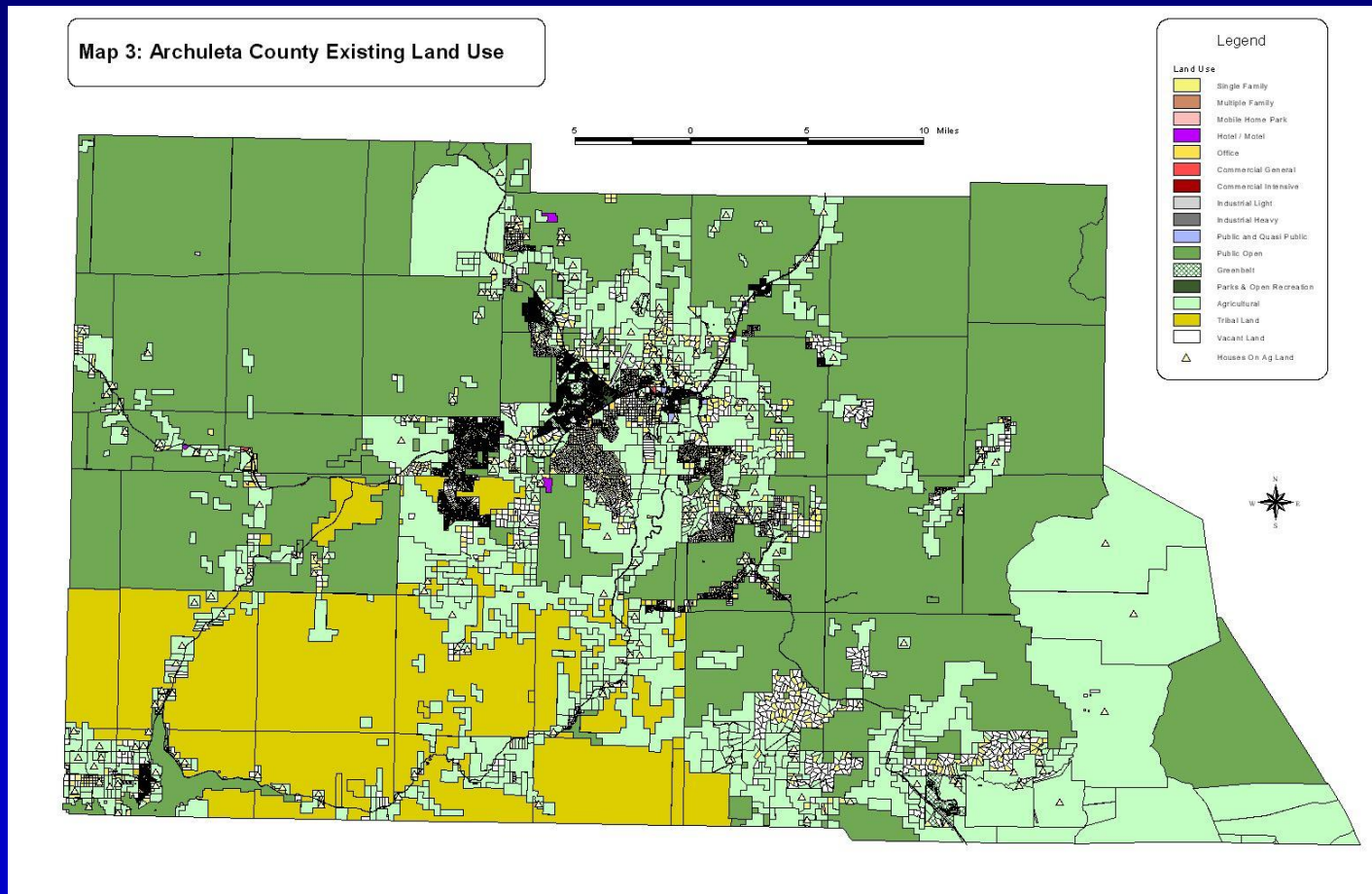


TDR/C Program Mesa County/City of Fruita

Transferable Development Right Certificate	
This Certificate is issued for and represents ONE Transferable Development Right out of a total of _____ Transferrable Development Rights recognized for and derived from the following real property in Mesa County (hereafter, "the Sending Site"): at Book No. _____ Page No. _____	
and is also identified as Mesa County Parcel No. _____, and Tax Identification No. _____. Upon execution and recordation of this Certificate in the real property records of Mesa County, in accordance with the Mesa County Transferrable Development Right Regulations, the ONE Transferable Development Right associated with the Sending Site as represented by this Certificate shall be completely severed and extinguished from the Sending Site, and shall not be eligible for any use related to development on the Sending Site but may be transferred to a receiving site as the City of Fruita may approve pursuant to the City's TDR Regulations.	
Issued to _____	Date Issued _____
_____ Certificate Owners Signature	_____ Notary Public
_____ Mesa County Planning Director	_____ My Commission Expires
_____ Chair, Board of County Commissioners	(Notary Seal)

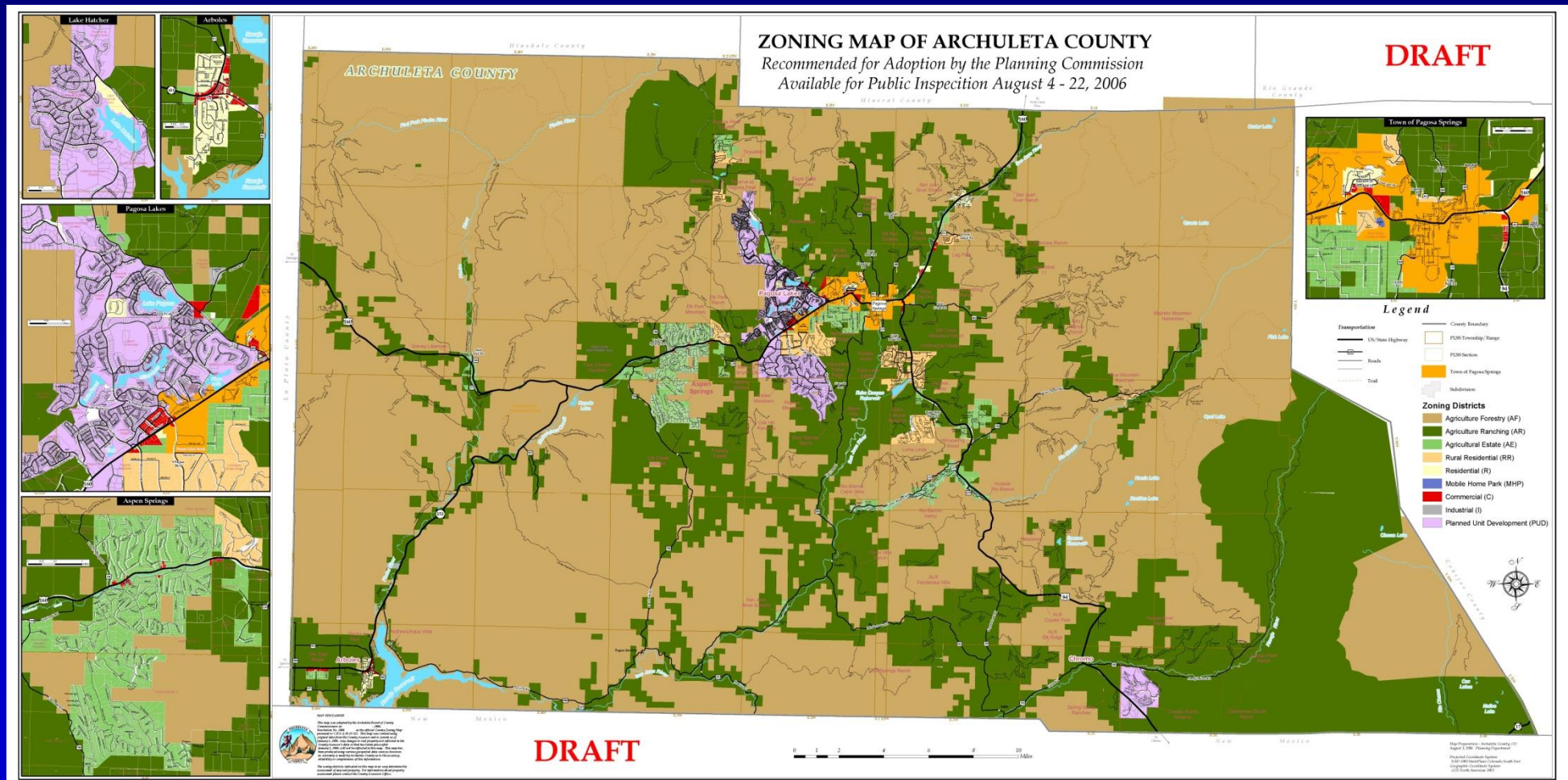
Land Use Regulations

Archuleta County



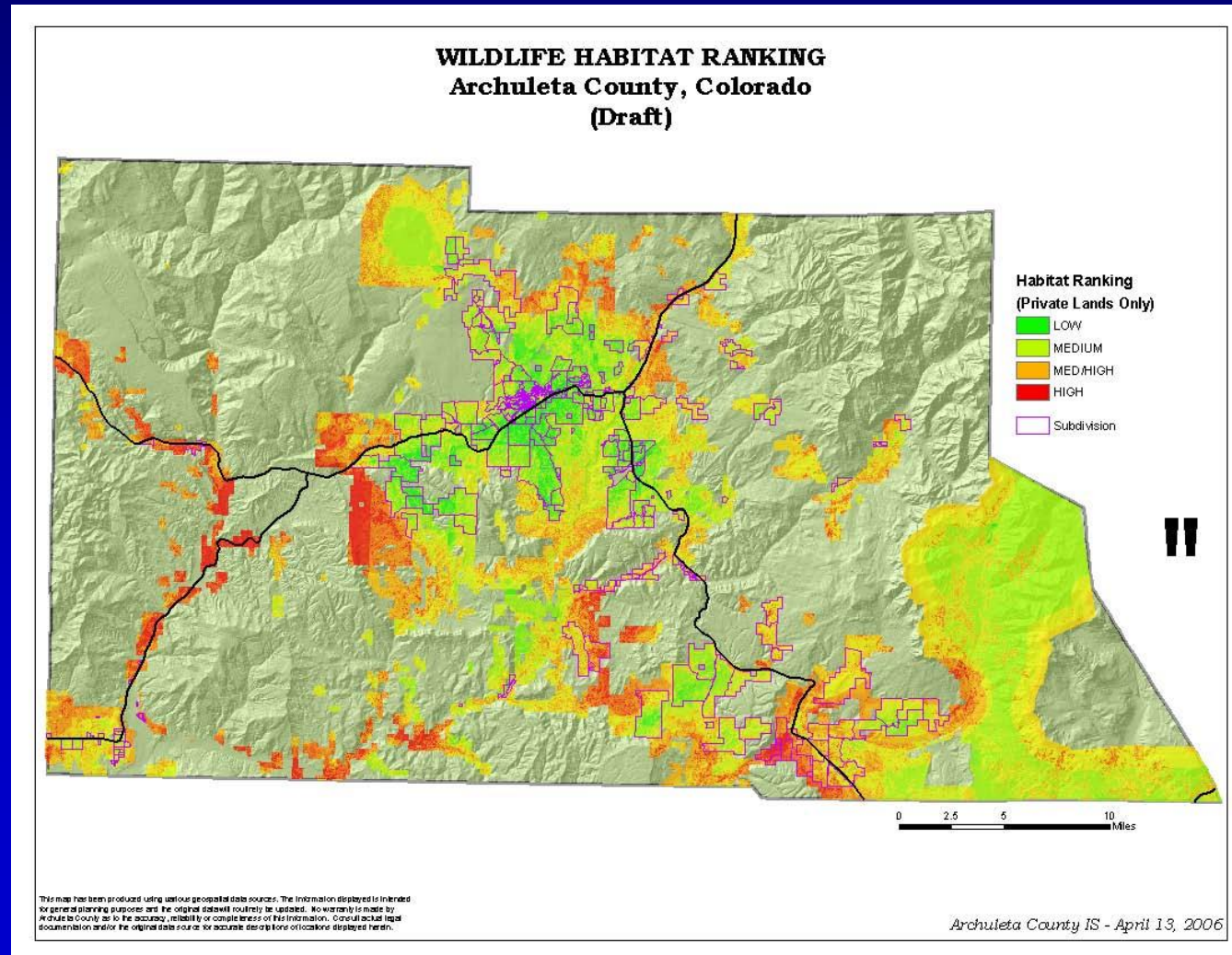
Land Use Regulations

Archuleta County



Land Use Regulations

Archuleta County



Land Use Regulations Archuleta County

